REMARKS/ARGUMENTS

This Office Action response is made in response to the Office Action dated May 2, 2002. Therein, the Examiner appropriately objected to the incorrect page number listed on the Preliminary Amendment. That correction has been rectified in this Office Action response, and it is earnestly solicited to enter the amendment to the specification as proposed.

Claims 5, 6, 7, 8, 9 and 12 are now amended to be placed in independent form. The Examiner had indicated that claim 5, 7, 9 and 12 would be allowable if rewritten in independent form. These claims are embodied as newly amended independent claims 5, 6, 8 and 12. In addition, claims 7 and 9 have been amended to eliminate the elements outlined in claims 6 and 8, respectively. Nonetheless, it is asserted that based on the Examiner's allowance of the claims noted above, claims 7 and 9 are also in condition for allowance. Their allowance is respectfully requested. Support for the analogs of rapamycin can be found particularly at page 13, line 10 where the analogs are identified as "rapamycin [and] structural analogs."

Claims 4, 10, 11 and 13 remain in the application in the form in which they were originally presented. Each of these claims was rejected under 35 USC § 103(a) over the Sonenshein et al. reference, U.S. Patent No. 5,665,591 used in combination with Pinchuk et al., U.S. Patent No. 5,968,091. The Examiner refers to Sonenshein of the use of rapamycin to inhibit the proliferation of smooth muscle cells. The Examiner also cites Sonenshein as a reference which discloses use of catheters or stents to perform the delivery of oligonucleotides. Further, the Examiner indicates that a slow release polymers and the like are also described in Sonenshein.

Nowhere in Sonenshein is there a reference to a polymer mixed carrier containing rapamycin. Rather, Sonenshein's reference to rapamycin or its analogs as treatment for smooth muscle cells describes no form of delivery for the rapamycin. The remainder of Sonenshein discloses the delivery of oligonucleotides and not the use of rapamycin to prevent delivery or smooth muscle cells. (The use of rapamycin is merely disclosed in the background to the invention.)

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In accordance with the Sonenshein disclosure, therefore, it is respectfully submitted that the Examiner cannot combine *rapamycin* with a *polymer carrier*, both *on a stent* from the Sonenshein reference. The use of the obviousness statute which does not permit the Examiner to refer to a mere "laundry list" of elements in the same fashion as one might be tempted to do in a anticipatory reference. As such, it is respectfully submitted that Sonenshein is not available as a reference to reject claims 4, 10, 11 and 13 in an obviousness format. Accordingly, it is respectfully submitted that claims 4, 10, 11 and 13 are in condition for allowance. A notice indicating their allowability is respectfully requested.

Applicants intend to file a Supplemental Information Disclosure Statement containing the articles cited in the specification, as soon as they become available.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Respectfully submitted,

By: _____
Paul A. Coletti
Reg. No. 32,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2815
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

On page 9, line 33, please change "10" to – 40 --.

In the Claims:

5. (Amended) [The] A stent [of claim 4] having a coating containing rapamycin or its analogues, wherein said rapamycin [is] or said analogs are contained in the coating at a weight percentage of 0.0001% to 30%.

6. (Amended) A stent having a coating containing rapamycin, said coating formed from a polymer mixed carrier containing the rapamycin or its analogs; and said coating applied to said stent; [The stent of claim 4] wherein the polymer is biocompatible and degradable[.]; and

wherein the polymer is chosen from: lactone-based polyesters, lactone-based copolyesters; polyanhydrides; polyaminoacids; polysaccharides; polyphosphazenes; poly(ether-ester) copolymers, and blends of such polymers.

7. (Amended) A stent having a coating containing rapamycin, said coating formed from a polymer mixed carrier containing the rapamycin or its analogs; and said coating applied to said stent; and [The stent of claim 6] wherein the polymer is chosen from: lactone-based polyesters, lactone-based copolyesters; polyanhydrides; polyaminoacids; polysaccharides; polyphosphazenes; poly(ether-ester) copolymers, and blends of such polymers.

8. (Amended) A stent having a coating containing rapamycin or its analogs, said coating formed from a polymer mixed carrier containing the rapamycin or its analogs; and said coating applied to said stent; [The stent of claim 4] wherein the polymer is nonabsorbable; and

wherein the polymer is chosen from: polydimethylsiolxane; poly(ethylene)vinylacetate; poly(hydroxy)ethylmethylmethacrylate, polyvinyl pyrrolidone; polytetrafluoroethylene; and cellulose esters.

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9. (Amended) A stent having a coating containing rapamycin or its analogs, said coating formed from a polymer mixed carrier containing the rapamycin or its analogs; and said coating applied to said stent; and [The stent of claim 8] wherein the polymer is chosen from: polydimethylsiolxane; poly(ethylene)vinylacetate; poly(hydroxy)ethylmethylmethacrylate, polyvinyl pyrrolidone; polytetrafluoroethylene; and cellulose esters.

12. (Amended) A stent having a coating containing rapamycin or its analogs, said coating formed from a polymer mixed carrier containing the rapamycin or its analogs; and said coating applied to said stent; and [The stent of claim 4] further comprising:

a generally thin walled cylinder, said cylinder containing a plurality of generally solid struts, said applied to said strut, and a channel formed in at least one of said struts, said channel having a closed perimeter on all sides and an open top, and said channel smaller in all dimensions than said strut, said channel containing a reservoir of said rapamycin coating applied therein.

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